IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 18742 of 2001

Between:

Gurudwara Prabhandhak Committee, Karimnagar, Rep. by its

President, Manjit Singh,
Regd No. 3971, Sikhwadi,
Karimnagar.

..... PETITIONER

AND

1 The Commissioner & Director of School Education,
A.P. Hyderabad.
2 The District Educational Officer,
Karimnagar.
3 The State of A.P., Rep. by its Secretary,
Education Department, Secretariat,
Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus: (i) direct the Respondent No.2 to pass appropriate orders in pursuance of the proceedings of the Respondent No.1 in Rc.No.344/F2-2/2000, dated 22.2.2000, (ii) declaring the action of the Respondent No.2 in not passing orders for payment of rents to the Petitioner Society inspite of the various proceedings of the Respondents No.1 & 3 as arbitrary, illegal, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.A.SUDERSHAN REDDY

Counsel for the Respondent No.: GP FOR SCHOOL EDUCATION

The Court made the following :

THE HONOURABLE SRI JUSTICE

N.V.RAMANA

W.P.NO.18742 OF 2001

ORDER:

Gurudwara Prabhandhak Committee, the petitioner herein filed this writ petition challenging the inaction on the part of respondent No.2 in not passing the appropriate orders in pursuance of proceedings of the respondent No.1 in Rc.No.344/F2-2/2000, dated 22-2-2000 and also various other proceedings of respondents Nos.1 and 3, and to declare the same as arbitrary and illegal.

The facts in brief are the petitioner committee is a religious body of Sikh community and it maintains Gurudwara at Karimnagar and also conducts various religious functions and ceremonies for the Sikh community. The petitioner committee

started a Telugu medium school not only for the children belonging to the Sikh community but also for all the children of the adjoining localities. The government took on lease the school building constructed by the petitioner committee and it is being run as government school. The respondent authorities are not paying rents to the petitioner society and are in arrears of rent from 1995 onwards, hence the writ petition.

It is the grievance of the petitioner Committee that inspite of the proceedings of respondent No.1 in Rc.No.344/F2-2/2000 dated 22-2-2000 enhancing rent from Rs.500/- to Rs.4,105/- per month from 3-3-1997, the 2nd respondent has not passed any orders. It is further grievance of the petitioner committee that in view of non-payment of rents it has become impossible for it to maintain Gurudwara and to expend for well being of the Sikh Community.

Admittedly the petitioner committee has given its building on lease to the government for running a school. There arose dispute with regard to the payment of rents between the petitioner committee and the respondent authorities. The Commissioner and Director of School Education, respondent No.1 herein, has issued proceedings in Rc.No.344/F2-2/2000, on 22-02-2000, enhancing the rent from Rs.500/- to Rs.4,105/- and also arrears of rent.

Respondent filed counter affidavit denying the allegations made by the petitioner committee. In the counter at page 5, list of the dates running to 9 items of which rents were not paid is given, which runs as under:

1. 01-03-1990 to 31-05-1995 released Rs.31,406-00 drawn by the
owner.

2. 01-06-1995 to 31-03-1996 No budget was released by the Govt.

3. 01-04-1996 to -06-1996 released Rs.2,315-00, the
management has not submitted the Bill claiming the amount.

4. 01-7-1996 to 28-02-1997 No budget released by the Govt.

5. 01-3-1997 to 28-2-1998 no budget released by the Govt.

6. 01-3-1998 to 28-2-1999 no budget released by the Govt.

7. 03-03-1999 to 28-02-2000 sanctioned the C &DSE, AP. Hyd. In Procs. No.344/F2-2/2000.

8. 01-03-2000 to 28-2-2001 released @ Rs.4,105/- P.M. But the Management has not submitted the bill, claiming the amount.

9. 01-03-2001 to 28-2-2002 released @ Rs.4,105/- P.M. But the Management has not submitted the bill claiming the amount.

From the above it is clear that items 2, 4, 5 and 6 were shown, as the Government released no budget. However, the learned counsel for the respondents submit that if the petitioner produces the bills claiming the rents, the respondents are willing to clear the rents in terms of the proceedings of the respondent No.1 in Rc.No.344/F2-2/2000, dated 22-2-2000.

In the circumstances, the petitioner is directed to submit the bills for which he is entitled to in terms of proceedings in Rc.No.344/F2-2/2000, dated 22-2-2000, within a period of two weeks from the date of receipt of copy of this order. On such submission of the bills, the respondents are directed to consider the same and pay the amounts of arrears, if any, in accordance with the proceedings in Rc.No.344/F2-2/2000, dated 22-2-2000, within a period of 6 weeks thereafter.

The writ petition is accordingly disposed of. No costs.

N.V.RAMANA,J

28th June, 2005

grk

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner & Director of School Education,
A.P. Hyderabad.
2 The District Educational Officer,
Karimnagar.
3 The Secretary, Education Department,

State of A.P.,Secretariat, Hyderabad.

4) 2 CD copies

5) 1 CC to MR.SUDERSHAN REDDY

6) 2 CCs to GP for School Education, High Court Bldgs, High Court, Hyd.

*Form-NIC-OGS/WP{**MADHURI**}*